

DATE OF DETERMINATION	22 November 2024
DATE OF PANEL DECISION	22 November 2024
DATE OF PANEL BRIEFING	20 November 2024
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, Sharon Cadwallader and Damian Loone
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 11 November 2024.

MATTER DETERMINED

PPSNTH-284 – Ballina – 2023/537/1 – 18-22 Grant St & 109 Tamar St, Ballina – Demolition of existing buildings and the construction of a two and three storey medical centre and related infrastructure works and landscaping (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report, including:

- The proposal is permissible within the E2 Commercial Centre Zone and generally consistent with the objectives of the zone.
- The proposal is compliant with applicable environmental instruments and planning controls.
- The proposal is consistent with the context of the site, the surrounding residential and commercial areas and emerging medical and services precinct.
- The site of the proposed development is suitable for the intended use with adequate road and utility services able to be provided and/or upgraded.
- Traffic and parking impacts have been adequately addressed.
- The Panel is satisfied that impacts associated with the proposed development can be adequately mitigated through the imposition of conditions.
- The proposed development will provide medical and allied health services to the local Indigenous community. It has social and economic benefits to the community of Ballina and is in the public interest.
- The Panel has imposed conditions relating to stormwater management and reuse, operations and security, EV charging and bicycle parking as enhancements to the proposal.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amend Condition 47 to read as follows:

47. Stormwater Management Plan

The provision of stormwater controls on site shall be in accordance with the Water Sensitive Design requirements of Council's Development Control Plan Chapter 2 – Section 3.9 - Stormwater Management and in general accordance with the Site Stormwater Management Plan by Stellen Consulting DR-001. Overland flow paths must be incorporated into the design directing overflows to the street or public drainage systems. Overland flow paths must not be impeded by structures or landscaping. The reuse of stormwater for the purpose of irrigating landscaping is encouraged. A detailed design must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

Condition Reason: to ensure stormwater is managed in accordance with Council's DCP.

- Amend Condition 43 to read as follows:

43. Car parking & vehicular access

The development shall provide 26 parking spaces generally in accordance with the layout plan prepared by Kaunitz Yeung Architecture dated 5/9/2024. This is to include a minimum of 4 electric vehicle spaces on-site. The design of all car parking and vehicular accesses are to be in accordance with the Australian Standard AS/NZS 2890.1:2004. Design plans are to be certified by a suitably qualified professional and must include a detailed line marking plan for Tamar Street and Grant Street frontages. In this regard, Council's Traffic Engineer must be consulted confirming the configuration of the parking bays.

Condition Reason: to ensure that all works are carried out in a satisfactory manner so as to protect the amenity and safety of the public.

- Insert new Condition 43A which reads as follows:

43A. Bicycle Parking

A bicycle rack, compliant with AS2890.3, capable of supporting 4 bicycles must be provided within the approved development. Details are to be submitted to and approved by the Principal Certifier before the issue of the Construction Certificate.


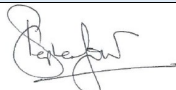
Condition Reason: to ensure provision is made for the safe and convenient storage of bicycles within the development.

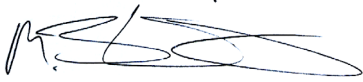
CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

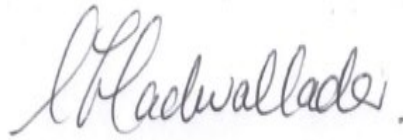
- Car park access in Holden Lane
- Traffic congestion in Holden Lane
- Loss of amenity for residence fronting Holden Lane due to increased traffic in Holden Lane
- Safety of motorists when existing Holden Lane onto Grant Street

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow



Michael Wright



Sharon Cadwallader



Damian Loone

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-284 – Ballina – 2023/537/1
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and the construction of a two and three storey medical centre and related infrastructure works and landscaping
3	STREET ADDRESS	18-22 Grant St & 109 Tamar St, Ballina
4	APPLICANT/OWNER	Bullinah Aboriginal Health Service Limited (David Kaunitz) Bullinah Aboriginal Health Service LTD
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy Transport and Infrastructure) 2021 ○ Ballina Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Ballina Development Control Plan 2012 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 6 November 2024 • Written submissions during public exhibition: 6 (including 1 late submission) • Total number of unique submissions received by way of objection: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 22 May 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Sharon Cadwallader and Stephen McCarthy ○ <u>Council assessment staff</u>: Kathleen Taminiau, Andrew Smith, Patrick Knight and John Wiley ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Site inspection: 4 June 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Sharon Cadwallader and Stephen McCarthy ○ <u>Council assessment staff</u>: Kathleen Taminiau, Andrew Smith, Patrick Knight and John Wiley • Applicant Briefing: 20 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Sharon Cadwallader and Damian Loone

		<ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: David Kaunitz, Karina Vikstrom, Anton Kouzmin, Emma Walke, Payden Samuelsson ○ <u>Council assessment staff</u>: Kathleen Taminiau, Andrew Smith, John Wiley and Stewart Lloyd ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Final briefing to discuss council's recommendation: 20 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, Sharon Cadwallader and Damian Loone ○ <u>Council assessment staff</u>: Kathleen Taminiau, Andrew Smith, John Wiley and Stewart Lloyd ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report and amended on 19/11/2024